

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN**

RICHARD SELENSKE,
Plaintiff,

v.

Case No. 12-C-0577

ROBERT SELENSKE et al.,
Defendants.

DECISION AND ORDER

Plaintiff Richard Selenske, proceeding pro se, has filed a complaint against a number of defendants. Although the complaint is very unclear, it appears that Selenske's grievance against the defendants arises out of a probate matter.

Federal courts are courts of limited jurisdiction, and I must examine newly filed complaints to ensure that federal subject matter jurisdiction exists. See Wisconsin Knife Works v. National Metal Crafter, 781 F.2d 1280, 1282 (7th Cir. 1986) ("The first thing a federal judge should do when a complaint is filed is check to see that federal jurisdiction is properly alleged"). Generally, jurisdiction in a federal court can be premised on a federal question or on diversity of citizenship. Federal question jurisdiction exists over cases "arising under the Constitution, laws, or treaties of the United States." 28 U.S.C. § 1331. Diversity jurisdiction exists where the parties are citizens of different states and the amount in controversy exceeds \$75,000. 28 U.S.C. § 1332. Diversity jurisdiction requires "complete diversity," that is, no plaintiff can be a citizen of the same state as any defendant. Matchett v. Wold, 818 F.2d 574, 575 (7th Cir. 1987).

Plaintiff's complaint does not raise any federal question, as there is no federal law that would provide plaintiff with a claim against the defendants under the facts he alleges.

Moreover, the complaint alleges that the plaintiff and all of the defendants are citizens of the State of Wisconsin, and so diversity jurisdiction does not exist. Therefore, this case must be dismissed without prejudice for lack of subject matter jurisdiction. To the extent that plaintiff's claims are viable, they must be brought in state court.

Accordingly, **IT IS ORDERED** that this case is **DISMISSED WITHOUT PREJUDICE** for lack of subject matter jurisdiction. The Clerk of Court shall enter final judgment.

Dated at Milwaukee, Wisconsin, this 11th day of June 2012.

s/ Lynn Adelman
LYNN ADELMAN
District Judge